

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

MARK STEVEN WALKER #254780,)	
)	
Plaintiff,)	Case No. 2:06-cv-216
)	
v.)	HON. R. ALLAN EDGAR
)	
WARDEN JERRY HOFBAUER, et al.,)	
)	<u>OPINION</u>
Defendants.)	
_____)	

This is a *pro se* civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff's complaint was received in this court on August 14, 2006. Currently pending before the court are Plaintiff's "Motion to Expedite Immediate Injunctive Relief." The court construes this pleading as a request for a temporary restraining order and/or a preliminary injunction.

Plaintiff is currently confined at the Marquette Branch Prison (MBP). Plaintiff claims that after filing this complaint, he will be the subject of a retaliatory transfer to another facility, which could become detrimental to Plaintiff's unstable health. Plaintiff states that he suffers from a Bacterial Lung Infection which he sustained while in prison, as well as a chronic seizure disorder and other diagnosed mental health problems. Plaintiff contends that a transfer "could possibly become a death sentence." Plaintiff seeks an order preventing his transfer during the pendency of this law suit. The court notes that Plaintiff's claims that he will suffer irreparable harm if transferred are entirely speculative. Moreover, the court notes that there is no right under federal law allowing a prisoner to compel or prevent a transfer to another facility or giving him any choice concerning the

facility where he will be incarcerated. *Meachum v. Fano*, 427 U.S. 215 (1976); *Olim v. Wakinekona*, 461 U.S. 238 (1983). A temporary restraining order is not an appropriate remedy.

However, the court will refer the request for a preliminary injunction to the Magistrate Judge to be addressed by report and recommendation.

An order consistent with this opinion will be entered.

Dated: 8/14/06

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE